

1 15. The apparatus of claim 14, wherein said second electronic component conditionally  
2 causes said first electronic component to perform said plurality of functions prior to said  
3 operating system having been executed by said processor.

1 16. The apparatus of claim 8, wherein said externally provided control operations are  
2 encapsulated in a remote management and control protocol (RMCP) formed data packet.

### **REMARKS**

This response is provided to the Office Action mailed June 19, 2002. In the Office Action, claims 1-16 were rejected, and claims 17-23 were subject to election requirement. Applicant has amended claim 1 to remove lingering informalities identified therein. It is noted that the amendments to the claim were not necessary to traverse the rejection of the claim premised on the cited references. Rather, the rejection of claims 1-16 is traversed based at least, on the patentable distinctions detailed below. Accordingly claims 1-16 are currently pending with this response. In light of the foregoing amendment and subsequent remarks, reconsideration of the above-captioned Application is respectfully requested.

### **Objection to the Drawings**

Applicant respectfully acknowledges that the Draftsperson has objected to the drawings under 37 CFR § 1.84(g) and §1.84(i). Applicant will submit formal drawings correcting such informalities upon receiving an indication of allowable subject matter.

### **§112, Second Paragraph Rejection of Claim 1**

In paragraphs 2 and 3 of the Action, claim 1 was rejected as being indefinite for providing insufficient antecedent basis for the claim limitation “determined current state.”

Without adopting the characterization in the Action, in an effort to expedite prosecution of this application, Applicant has amended claim 1 to clarify the above-mentioned limitation. In light of the amendment above, wherein claim 1 was amended to read “determined current operating state,” Applicant respectfully requests that the §112 (second paragraph) rejection thereof be withdrawn.

### **§103(a) Rejection of Claims 1-16**

In paragraphs 4-19 of the Action, claims 1-16 were rejected as being unpatentable over a patent issued to *Farrand et al* (USP 5,309,563) in view of a patent issued to *Nouri et al* (USP 6,065,053). In response, Applicant respectfully traverses the basis for such rejection.

#### **The Farrand Reference**

The *Farrand* reference is generally drawn to a method for transferring messages from a network operating system to a system manager. As disclosed, the *Farrand* system is comprised of two parts: a network operating system 14 and a system manager 22, both of which are contained within system server 12 as demonstrated in Figure 1. One feature of the *Farrand* system is the ability to supply “certain signals to a bus monitor 44 which will help determine the state of the computer system board 13” (col. 5, lines 38-40). Figures 1 and 2 also demonstrate that the bus monitor 44 and the computer system board 13 form part of the system server 12. That is, the *Farrand* reference merely discloses<sup>7</sup> a method for transferring internal signals between the components of an EISA system server 12.

### The *Nouri* Reference

*Nouri* discloses a server architecture that incorporates a number of microcontrollers 110 which, “operate[s] as a fully self-contained subsystem within server system 100, continuously monitoring and managing the physical environment of the machine” (col. 6, lines 6-9). *Nouri* further teaches that the system continues to manage the physical environment “regardless of the operational status of the server 100” (col. 6, line 12).

Additionally, *Nouri* discloses that the system architecture permits the resetting of a server 100 from a remote location. In the *Nouri* system, however, a requestor 122/124 and microcontroller network 102 send and receive messages by way of a microcontroller bus 160. The microcontroller network 102 then “performs various system administration tasks” (col. 12, lines 50-51). That is, despite the characterization in the Action, the *Nouri* reference fails to disclose or suggest the conditional execution of received control operations.

### **Independent Claims**

#### Claim 1

In contrast to the *Farrand* and/or *Nouri* references, claim 1 is directed to a method in a client device comprising:

receiving externally provided control operations;  
determining a current operating state of said client device; and  
conditionally executing said control operations if execution  
of said control operations are permitted while said client device is in  
said determined current state.

That is, claim 1 includes the features wherein the operating state of a client is determined by the client, and externally received control operations are executed based on the condition that the

received control operations are permitted while the client device is in the determined state (see, e.g., page 33, lines 16 through page 35, line 23; and associated Figures).

Despite the characterization in the Action, as introduced above, *Farrand* fails to disclose or suggest (a) receiving control operations from an external source, but merely from another element within a common server architecture 12, and (b) conditionally executing such commands based on a determined current operating state of the system 12. *Nouri* fails to cure such deficiencies. As introduced above, *Nouri* fails to disclose or suggest at least the element of conditionally executing control commands received from an external source, based on a determined current operating state.

Insofar as neither the *Farrand* nor the *Nouri* reference disclose or suggest one or more elements of, e.g., rejected claim 1, Applicant respectfully requests that the §103(a) rejection thereof be withdrawn.

#### Claim 8

Applicant submits that rejected claim 8 enjoys features analogous, albeit in its respective embodiment, to those introduced above with respect to claim 1. Accordingly, Applicant respectfully asserts that rejected claim 8 is likewise patentable over the *Nouri* reference for arguments analogous to those used to distinguish claim 1 from the *Nouri* reference. Thus, Applicant respectfully request that the §103(a) rejection of claim 8 be withdrawn.

#### **Dependant Claims**

Applicant notes that claims 2-7 and 9-16 are dependent upon patentable base claims 1 or 8. Accordingly, by virtue of at least their dependence on patentable base claims 1 or 8, Applicant

respectfully submits that claims 2-7 and 9-16 are likewise patentable over the *Farrand* and *Nouri* reference(s). Accordingly, Applicant respectfully requests that the §103(a) rejection of claims 2-7 and 9-16 be withdrawn.

**Conclusion**

In light of the foregoing, Applicant respectfully asserts that claims 1-16, are in condition for allowance, and earnestly awaits notice thereof. **In an effort to expedite prosecution of this matter, the Examiner is invited to call the undersigned counsel for the Applicant to discuss any further issues preventing allowance of the currently pending claims.**

Please charge any shortages and credit any overages to our Deposit Account No. 02-2666.

Dated: October 21, 2002

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP



Michael A. Proksch  
Registration No. 43,021

12400 Wilshire Blvd.,  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 684-6200